



PATENT
Customer No. 22,852
Attorney Docket No. 7883.0113

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Katherine S. TWEDEN et al.

Application No.: 10/075,518

Filed: February 13, 2002

For: CARDIAC IMPLANT AND
METHODS

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) Group Art Unit: 3762
)
) Examiner: L. R. DEAK
)
) Confirmation No.: 8923
)
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

On page 2 of the Notice of Allowability mailed December 9, 2004, the Examiner wrote that the "prior art fails to disclose or suggest a drug-eluting stent with non-contiguous portions of a first and second therapeutic agent as claimed by applicant. The best prior art of record discloses the presence of multiple therapeutic agents, but does not teach that the agents are non-contiguous, as presently claimed in the application."

Initially, Applicants disagree as to what is allegedly the "best prior art of record" and as to what the alleged best prior art of record or prior art allegedly discloses or fails to disclose. Each of the allowed claims are separately patentable because the prior art does not disclose or suggest the invention as set forth in each respective claim.

Comments on Examiner's Statement of Reasons for Allowance - March 8, 2005

Moreover, Applicants respectfully note that independent claim 1 recites, among other aspects, "wherein said first therapeutic agent is not in covering relation to the second portion," independent claim 31 recites, among other aspects, "wherein said first therapeutic agent does not cover the second portion," and independent claim 38 recites, among other aspects, "wherein the first therapeutic agent is not in covering relation to the second portion." Insofar as the Examiner's statement or reasons for allowance suggest that the allowed claims require "a drug-eluting stent with non-contiguous portions of a first and second therapeutic agent," Applicants respectfully disagree to the extent that the claims do not recite such aspects. Applicants further submit that the claims should be interpreted using the language recited in the claims, and that Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

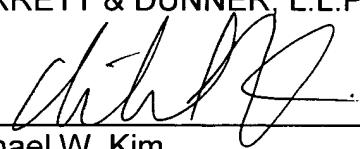
If there is any fee due in connection with this or accompanying filings that are not otherwise provided with this filing or accompanying filings, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 8, 2005

By: _____


Michael W. Kim
Reg. No. 51,880



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Sir:

SUBMISSION OF FORMAL DRAWINGS


Please replace the originally-filed drawings with the enclosed five (5) sheets of REPLACEMENT DRAWINGS including Figs. 1-6. The replacement drawings make no substantive changes to the original drawings, but rather merely place the drawings in formal format.

If there is any fee due in connection with this or accompanying filings that are not otherwise provided with this filing or accompanying filings, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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Dated: March 8, 2005

By: 
Michael W. Kim
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